

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DARREN DIONE AQUINO,

Plaintiff,

-against-

MEMORANDUM & ORDER
16-CV-6297 (JS) (GRB)

LEGAL AID SOCIETY OF NASSAU COUNTY,
NASSAU COUNTY DISTRICT COURT IN
THE STATE OF NEW YORK, JENNIFER
MCNULTY, MICHELLE DOWST, GEORGE
TORRES, BRIANA RIZZO, and JANE DOE
and JOHN DOE, in their official
capacity as counsel,

Defendants.

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APPEARANCES:

For Plaintiff: Darren Dione Aquino, pro se
574 Junard Boulevard
West Hempstead, NY 11552

For Defendants:
Nassau County Ralph Pernick, Esq.
District Court New York State Attorney General
200 Old Country Road, Suite 240
Mineola, NY 11501

All other
Defendants No appearance.

SEYBERT, District Judge:

By Memorandum and Order dated January 31, 2017 (the "M&O", Docket Entry 13), the Court denied Plaintiff's application to proceed in forma pauperis without prejudice and with leave to renew upon completion of the AO 239 in forma pauperis application form annexed to the M&O. Plaintiff was ordered to either remit the \$400 filing fee or to complete and file the AO 239 in forma pauperis application form annexed to the M&O within fourteen (14) days from the date of the M&O. On February 10, 2017, Plaintiff

timely filed an application to proceed in forma pauperis on the AO 240 form, however, it was incomplete and unsigned. (Docket Entry 14.)

Given Plaintiff's pro se status, the Court will afford Plaintiff one final opportunity to comply with the M&O.¹ Plaintiff is again directed to either remit the \$400.00 filing fee or complete and return the annexed AO 239 in forma pauperis application within fourteen (14) days from the date of this Order. Plaintiff is cautioned that a failure to timely comply with this Order will lead to the dismissal of the Complaint without prejudice.

CONCLUSION

For the reasons set forth above, Plaintiff's application to proceed in forma pauperis is DENIED WITHOUT PREJUDICE to a renewal thereof upon completion of the annexed AO 239 application to proceed in forma pauperis. Plaintiff is directed to either remit the \$400.00 filing fee or complete and return the annexed AO 239 in forma pauperis application within fourteen (14) days from the date of this Order. Plaintiff is cautioned that failure to timely comply with this Order will lead to the dismissal of the

¹ Plaintiff is no stranger to this Court. The Court has reviewed the applications to proceed in forma pauperis submitted by Plaintiff in his more recent actions, Aquino v. New York, 14-CV-5446, and Aquino v. SAG AFTRA, 16-CV-00146, and, because there are inconsistencies in Plaintiff's responses on the short form in forma pauperis application (AO 240), Plaintiff can best set forth his current financial position on the Long Form (AO 239).

Complaint without prejudice.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to mail a copy of this Order to the Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: April 28, 2017
Central Islip, New York